

ASSEMBLY BILL

No. 881

**Introduced by Assembly Member Mullin
(Principal coauthor: Assembly Member Evans)**

February 22, 2007

An act to amend Sections 27315, 27361, 27363, 27363.5, and 27365 of, to add Section 27360.6 to, and to repeal and add Sections 27360 and 27360.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 881, as introduced, Mullin. Vehicles: child passengers.

(1) Existing law establishes rules of the road governing the operation of vehicles upon the highways. A violation of these rules is a public offense.

Existing law prohibits a parent or legal guardian, while present in a motor vehicle, from permitting his or her child or ward to be transported upon a highway in the vehicle without providing and properly securing the child or ward in a rear seat in a child passenger restraint system meeting applicable federal safety standards, unless the child or ward is 6 years of age or older or weighs 60 pounds or more. Existing law imposes a similar prohibition on the driver of a vehicle, unless the parent or legal guardian of the child is also present in the vehicle and is not the driver. Existing law places certain duties and restrictions on hospitals, clinics, and birthing centers, as well as car rental agencies, involving providing information and notices regarding child passenger restraint system laws.

This bill would recast these provisions by requiring that a child who is under 8 years of age to be secured in a rear seat in an appropriate child passenger restraint system. The bill would provide an exception

from the child passenger restraint system requirement for a child who is under 8 years of age, but who is 4 feet 9 inches tall or taller and who is properly restrained by a safety belt. The bill would prohibit a parent or legal guardian or driver from transporting in a motor vehicle, a child or ward who is 8 years of age or older, but less than 16 years of age, without properly securing the child or ward in an appropriate child passenger restraint system or a safety belt.

The bill additionally would require for transport upon a highway in a motor vehicle, that a parent or legal guardian properly secure his or her child or ward who is under 8 years of age in a rear-facing child passenger restraint system, unless the child or ward is one year of age or older and also weighs 20 pounds or more. The bill would impose a similar requirement on the driver of a motor vehicle, unless the parent or legal guardian of the child is also present in the vehicle and is not the driver.

The bill would make conforming changes in existing law.

Because this bill would expand the scope of existing crimes and would create a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27315 of the Vehicle Code is amended
2 to read:
3 27315. (a) The Legislature finds that a mandatory seatbelt law
4 will contribute to reducing highway deaths and injuries by
5 encouraging greater usage of existing manual seatbelts, that
6 automatic crash protection systems ~~which~~ *that* require no action
7 by vehicle occupants offer the best hope of reducing deaths and
8 injuries, and that encouraging the use of manual safety belts is
9 only a partial remedy for addressing this major cause of death and
10 injury. The Legislature declares that the enactment of this section
11 is intended to be compatible with support for federal safety

standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) (1) As used in this section, “motor vehicle” means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

(2) For purposes of this section, a “motor vehicle” also means ~~any~~ a farm labor vehicle, regardless of the date of certification under Section 31401.

(d) (1) A person ~~may~~ *shall* not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt any more stringent or restrictive standards imposed by the Labor Code or any other state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, ~~may~~ *shall* not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers ~~six~~ *eight* years of age or over ~~or weighing 60 pounds or more~~, in the front seat are properly restrained by a safety belt.

(3) The operator of a taxicab ~~may~~ *shall* not operate the taxicab unless any passengers ~~six~~ *eight* years of age or over ~~or weighing 60 pounds or more~~, in the front seat are properly restrained by a safety belt.

(e) A person 16 years of age or over ~~may~~ *shall* not be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This subdivision does not apply to a passenger in a sleeper berth, as defined in subdivision (v) of Section 1201 of Title 13 of the California Code of Regulations.

(f) Every owner of a motor vehicle, including every owner or operator of a taxicab, as defined in Section 27908, or a limousine for hire, operated on a highway shall maintain safety belts in good working order for the use of occupants of the vehicle. The safety belts shall conform to motor vehicle safety standards established by the United States Department of Transportation. This subdivision does not, however, require installation or maintenance of safety belts where not required by the laws of the United States applicable to the vehicle at the time of its initial sale.

(g) This section does not apply to a passenger or operator with a physically disabling condition or medical condition ~~which~~ *that* would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason the restraint is inappropriate. This section also does not apply to a public employee, when in an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, or to ~~any~~ *a* passenger in ~~any~~ *a* seat behind the front seat of an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165 operated by the public employee, unless required by the agency employing the public employee.

(h) Notwithstanding subdivision (a) of Section 42001, ~~any~~ *a* violation of subdivision (d), (e), or (f) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or any other court-approved program in which the proper use of safety belts is demonstrated.

(i) In a civil action, a violation of subdivision (d), (e), or (f) or information of a violation of subdivision (h) does not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(j) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, ~~no~~ *a* motor vehicle manufactured after that date for sale or sold in this state shall *not* be registered unless it contains a manual

1 safety belt system ~~which~~ *that* meets the performance standards
2 applicable to automatic crash protection devices adopted by the
3 Secretary of Transportation pursuant to Federal Motor Vehicle
4 Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on
5 January 1, 1985.

6 (k) Each motor vehicle offered for original sale in this state
7 ~~which~~ *that* has been manufactured on or after September 1, 1989,
8 shall comply with the automatic restraint requirements of Section
9 S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49
10 C.F.R. 571.208), as published in Volume 49 of the Federal
11 Register, No. 138, page 29009. ~~Any~~ *An* automobile manufacturer
12 who sells or delivers a motor vehicle subject to the requirements
13 of this subdivision, and fails to comply with this subdivision, shall
14 be punished by a fine of not more than five hundred dollars (\$500)
15 for each sale or delivery of a noncomplying motor vehicle.

16 (l) Compliance with subdivision (j) or (k) by a manufacturer
17 shall be made by self-certification in the same manner as
18 self-certification is accomplished under federal law.

19 (m) This section does not apply to a person actually engaged in
20 delivery of newspapers to customers along the person's route if
21 the person is properly restrained by a safety belt prior to
22 commencing and subsequent to completing delivery on the route.

23 (n) This section does not apply to a person actually engaged in
24 collection and delivery activities as a rural delivery carrier for the
25 United States Postal Service if the person is properly restrained
26 by a safety belt prior to stopping at the first box and subsequent
27 to stopping at the last box on the route.

28 (o) This section does not apply to a driver actually engaged in
29 the collection of solid waste or recyclable materials along that
30 driver's collection route if the driver is properly restrained by a
31 safety belt prior to commencing and subsequent to completing the
32 collection route.

33 (p) Subdivisions (d), (e), (f), (g), and (h) shall become
34 inoperative immediately upon the date that the United States
35 Secretary of Transportation, or his or her delegate, determines to
36 rescind the portion of the Federal Motor Vehicle Safety Standard
37 No. 208 (49 C.F.R. 571.208) ~~which~~ *that* requires the installation
38 of automatic restraints in new motor vehicles, except that those
39 subdivisions shall not become inoperative if the secretary's decision

1 to rescind that Standard No. 208 is not based, in any respect, on
2 the enactment or continued operation of those subdivisions.

3 SEC. 2. Section 27360 of the Vehicle Code is repealed.

4 27360. (a) A parent or legal guardian, when present in a motor
5 vehicle, as defined in Section 27315, may not permit his or her
6 child or ward to be transported upon a highway in the motor vehicle
7 without properly securing the child or ward in a rear seat in a child
8 passenger restraint system meeting applicable federal motor vehicle
9 safety standards, unless the child or ward is one of the following:

10 (1) Six years of age or older.

11 (2) Sixty pounds or more.

12 (b) (1) A driver may not transport on a highway a child in a
13 motor vehicle, as defined in Section 27315, without properly
14 securing the child in a rear seat in a child passenger restraint system
15 meeting applicable federal motor vehicle safety standards, unless
16 the child is one of the following:

17 (A) Six years of age or older.

18 (B) Sixty pounds or more.

19 (2) This subdivision does not apply to a driver if the parent or
20 legal guardian of the child is also present in the vehicle and is not
21 the driver.

22 (c) (1) For purposes of subdivisions (a) and (b), and except as
23 provided in paragraph (2), a child or ward under the age of six
24 years who weighs less than 60 pounds may ride in the front seat
25 of a motor vehicle, if properly secured in a child passenger restraint
26 system that meets applicable federal motor vehicle safety standards,
27 under any of the following circumstances:

28 (A) There is no rear seat.

29 (B) The rear seats are side-facing jump seats.

30 (C) The rear seats are rear-facing seats.

31 (D) The child passenger restraint system cannot be installed
32 properly in the rear seat.

33 (E) All rear seats are already occupied by children under the
34 age of 12 years.

35 (F) Medical reasons necessitate that the child or ward not ride
36 in the rear seat. The court may require satisfactory proof of the
37 child's medical condition.

38 (2) A child or ward may not ride in the front seat of a motor
39 vehicle with an active passenger airbag if the child or ward is one
40 of the following:

1 (A) Under one year of age.

2 (B) Less than 20 pounds.

3 (C) Riding in a rear-facing child passenger restraint system.

4 (d) (1) (A) A first offense under this section is punishable by
5 a fine of one hundred dollars (\$100), except that the court may
6 reduce or waive the fine if the defendant establishes to the
7 satisfaction of the court that he or she is economically
8 disadvantaged, and the court, instead, refers the defendant to a
9 community education program that includes, but is not limited to,
10 education on the proper installation and use of a child passenger
11 restraint system for children of all ages, and provides certification
12 to the court of completion of that program. Upon completion of
13 the program, the defendant shall provide proof of participation in
14 the program. If an education program on the proper installation
15 and use of a child passenger restraint system is not available within
16 50 miles of the residence of the defendant, the requirement to
17 participate in that program shall be waived. If the fine is paid,
18 waived, or reduced, the court shall report the conviction to the
19 department pursuant to Section 1803.

20 (B) The court may require a defendant described under this
21 section to attend an education program that includes demonstration
22 of proper installation and use of a child passenger restraint system
23 and provides certification to the court that the defendant has
24 presented for inspection a child passenger restraint system that
25 meets applicable federal safety standards.

26 (2) (A) A second or subsequent offense under this section is
27 punishable by a fine of two hundred fifty dollars (\$250), no part
28 of which may be waived by the court, except that the court may
29 reduce or waive the fine if the defendant establishes to the
30 satisfaction of the court that he or she is economically
31 disadvantaged, and the court, instead, refers the defendant to a
32 community education program that includes, but is not limited to,
33 education on the proper installation and use of child passenger
34 restraint systems for children of all ages, and provides certification
35 to the court of completion of that program. Upon completion of
36 the program, the defendant shall provide proof of participation in
37 the program. If an education program on the proper installation
38 and use of a child passenger restraint system is not available within
39 50 miles of the residence of the defendant, the requirement to
40 participate in that program shall be waived. If the fine is paid,

1 waived, or reduced, the court shall report the conviction to the
2 department pursuant to Section 1803.

3 (B) The court may require a defendant described under this
4 section to attend an education program that includes demonstration
5 of proper installation and use of a child passenger restraint system
6 and provides certification to the court that the defendant has
7 presented for inspection a child passenger restraint system that
8 meets applicable federal safety standards.

9 (e) Notwithstanding any other provision of law, the fines
10 collected for a violation of this section shall be allocated as follows:

11 (1) (A) Sixty percent to health departments of local jurisdictions
12 where the violation occurred, to be used for a community education
13 program that includes, but is not limited to, demonstration of the
14 installation of a child passenger restraint system for children of all
15 ages and also assists an economically disadvantaged family in
16 obtaining a restraint system through a low-cost purchase or loan.
17 The county or city health department shall designate a coordinator
18 to facilitate the creation of a special account and to develop a
19 relationship with the court system to facilitate the transfer of funds
20 to the program. The county or city may contract for the
21 implementation of the program. Prior to obtaining possession of
22 a child passenger restraint system pursuant to this section, a person
23 shall attend an education program that includes demonstration of
24 proper installation and use of a child passenger restraint system.

25 (B) As the proceeds from fines become available, county or city
26 health departments shall prepare and maintain a listing of all child
27 passenger restraint low-cost purchase or loaner programs in their
28 counties, including a semiannual verification that all programs
29 listed are in existence. Each county or city shall forward the listing
30 to the Office of Traffic Safety in the Business, Transportation and
31 Housing Agency and the courts, birthing centers, community child
32 health and disability prevention programs, county clinics, prenatal
33 clinics, women, infants, and children programs, and county
34 hospitals in that county, who shall make the listing available to
35 the public. The Office of Traffic Safety shall maintain a listing of
36 all of the programs in the state.

37 (2) Twenty-five percent to the county or city for the
38 administration of the program.

39 (3) Fifteen percent to the city, to be deposited in its general fund
40 except that, if the violation occurred in an unincorporated area,

1 ~~this amount shall be allocated to the county for purposes of~~
2 ~~paragraph (1).~~

3 SEC. 3. Section 27360 is added to the Vehicle Code, to read:

4 27360. (a) A parent, legal guardian, or driver shall not transport
5 on a highway in a motor vehicle, as defined in Section 27315, a
6 child or ward who is under eight years of age, without properly
7 securing that child in a rear seat in an appropriate child passenger
8 restraint system meeting applicable federal motor vehicle safety
9 standards.

10 (b) Subdivision (a) does not apply to a driver if the parent or
11 legal guardian of the child is also present in the motor vehicle and
12 is not the driver.

13 SEC. 4. Section 27360.5 of the Vehicle Code is repealed.

14 ~~27360.5. (a) No parent or legal guardian, when present in a~~
15 ~~motor vehicle, as defined in Section 27315, may permit his or her~~
16 ~~child or ward who is six years of age or older, but less than 16~~
17 ~~years of age, or who is less than six years of age and weighs 60~~
18 ~~pounds or more to be transported upon a highway in the motor~~
19 ~~vehicle without properly securing the child or ward in an~~
20 ~~appropriate child passenger restraint system or safety belt meeting~~
21 ~~applicable federal motor vehicle safety standards.~~

22 ~~(b) No driver may transport on a highway any child who is six~~
23 ~~years of age or older, but less than 16 years of age, or who is less~~
24 ~~than six years of age and weighs 60 pounds or more in a motor~~
25 ~~vehicle, as defined in Section 27315, without properly securing~~
26 ~~the child in a child passenger restraint system or safety belt meeting~~
27 ~~applicable federal motor vehicle safety standards. This subdivision~~
28 ~~does not apply to a driver if the parent or legal guardian of the~~
29 ~~child is also present in the vehicle and is not the driver.~~

30 ~~(c) (1) A first offense under this section is punishable by a fine~~
31 ~~of one hundred dollars (\$100), except that the court may reduce~~
32 ~~or waive the fine if the defendant establishes to the satisfaction of~~
33 ~~the court that he or she is economically disadvantaged, and the~~
34 ~~court, instead, refers the defendant to a child restraint education~~
35 ~~program that includes, but is not limited to, demonstration of the~~
36 ~~proper installation and use of child passenger restraint systems for~~
37 ~~children of all ages, and provides economically disadvantaged~~
38 ~~families with a child passenger restraint low-cost purchase or loaner~~
39 ~~program. Upon completion of the program, the defendant shall~~
40 ~~provide proof of participation in the program that includes an~~

1 inspection of a child passenger restraint system that meets
2 applicable federal safety standards. If an education program on
3 the proper installation and use of a child passenger restraint system
4 is not available within 50 miles of the residence of the defendant,
5 the requirement to participate in that program shall be waived. If
6 the fine is paid, waived, or reduced, the court shall report the
7 conviction to the department pursuant to Section 1803.

8 The court may, at its discretion, require any defendant described
9 under this section to attend an education program that includes
10 demonstration of proper installation and use of child passenger
11 restraint systems and provides certification to the court that the
12 defendant has presented for inspection a child passenger restraint
13 system that meets applicable federal safety standards.

14 (2) A second or subsequent offense under this section is
15 punishable by a fine of two hundred fifty dollars (\$250), no part
16 of which may be waived by the court, except that the court may
17 reduce or waive the fine if the defendant establishes to the
18 satisfaction of the court that he or she is economically
19 disadvantaged, and the court, instead refers the defendant to a
20 community education program that includes, but is not limited to,
21 education on the proper installation and use of child passenger
22 restraint systems for children of all ages, and provides certification
23 to the court of completion of that program. Upon completion of
24 the program, the defendant shall provide proof of participation in
25 the program. If an education program on the proper installation
26 and use of a child passenger restraint system is not available within
27 50 miles of the residence of the defendant, the requirement to
28 participate in that program shall be waived. If the fine is paid,
29 waived, or reduced, the court shall report the conviction to the
30 department pursuant to Section 1803.

31 The court may at its discretion, require any defendant described
32 under this section to attend an education program that includes
33 demonstration of proper installation and use of child passenger
34 restraint systems and provides certification to the court that the
35 defendant has presented for inspection a child passenger restraint
36 system that meets applicable federal safety standards.

37 (d) Notwithstanding any other provision of law, the fines
38 collected for a violation of this section shall be allocated as follows:

39 (1) Sixty percent to county or city health departments where
40 the violation occurred, to be used for an education program that

1 includes, but is not limited to, the demonstration of proper
2 installation and use of child passenger restraint systems for children
3 of all ages and provides child restraints for loan or low-cost
4 purchase.

5 (2) Twenty-five percent to the county or city for the
6 administration of the program.

7 (3) Fifteen percent to the city, to be deposited in its general fund
8 except that, if the violation occurred in an unincorporated area,
9 this amount shall be allocated to the county for purposes of
10 paragraph (1).

11 SEC. 5. Section 27360.5 is added to the Vehicle Code, to read:

12 27360.5. (a) A parent, legal guardian, or driver shall not
13 transport on a highway in a motor vehicle, as defined in Section
14 27315, a child or ward who is eight years of age or older, but less
15 than 16 years of age, without properly securing that child or ward
16 in an appropriate child passenger restraint system or safety belt
17 meeting applicable federal motor vehicle safety standards.

18 (b) Subdivision (a) does not apply to a driver if the parent or
19 legal guardian of the child is also present in the motor vehicle and
20 is not the driver.

21 SEC. 6. Section 27360.6 is added to the Vehicle Code, to read:

22 27360.6. (a) (1) For a conviction under Section 27360 or
23 27360.5, a first offense is punishable by a fine of one hundred
24 dollars (\$100), except that the court may reduce or waive the fine
25 if the defendant establishes to the satisfaction of the court that he
26 or she is economically disadvantaged, and the court, instead, refers
27 the defendant to a community education program that includes,
28 but is not limited to, education on the proper installation and use
29 of a child passenger restraint system for children of all ages, and
30 provides certification to the court of completion of that program.
31 Upon completion of the program, the defendant shall provide proof
32 of participation in the program. If an education program on the
33 proper installation and use of a child passenger restraint system is
34 not available within 50 miles of the residence of the defendant,
35 the requirement to participate in that program shall be waived. If
36 the fine is paid, waived, or reduced, the court shall report the
37 conviction to the department pursuant to Section 1803.

38 (2) The court may require a defendant described in paragraph
39 (1) to attend an education program that includes demonstration of
40 proper installation and use of a child passenger restraint system

1 and provides certification to the court that the defendant has
2 presented for inspection a child passenger restraint system that
3 meets applicable federal safety standards.

4 (b) (1) A second or subsequent conviction of the same section
5 is punishable by a fine of two hundred fifty dollars (\$250), no part
6 of which may be waived by the court, except that the court may
7 reduce or waive the fine if the defendant establishes to the
8 satisfaction of the court that he or she is economically
9 disadvantaged, and the court, instead refers the defendant to a
10 community education program that includes, but is not limited to,
11 education on the proper installation and use of child passenger
12 restraint systems for children of all ages, and provides certification
13 to the court of completion of that program. Upon completion of
14 the program, the defendant shall provide proof of participation in
15 the program. If an education program on the proper installation
16 and use of a child passenger restraint system is not available within
17 50 miles of the residence of the defendant, the requirement to
18 participate in that program shall be waived. If the fine is paid,
19 waived, or reduced, the court shall report the conviction to the
20 department pursuant to Section 1803.

21 (2) The court may require a defendant described in paragraph
22 (1) to attend an education program that includes demonstration of
23 proper installation and use of a child passenger restraint system
24 and provides certification to the court that the defendant has
25 presented for inspection a child passenger restraint system that
26 meets applicable federal safety standards.

27 (c) Notwithstanding any other provision of law, the fines
28 collected under this section shall be allocated as follows:

29 (1) (A) Sixty percent to health departments of local jurisdictions
30 where the violation occurred, to be used for a community education
31 program that includes, but is not limited to, demonstration of the
32 installation of a child passenger restraint system for children of all
33 ages and also assists an economically disadvantaged family in
34 obtaining a child passenger restraint system through a low-cost
35 purchase or loan. The county or city health department shall
36 designate a coordinator to facilitate the creation of a special account
37 and to develop a relationship with the court system to facilitate
38 the transfer of funds to the program. The county or city may
39 contract for the implementation of the program. Prior to obtaining
40 possession of a child passenger restraint system pursuant to this

1 section, a person shall attend an education program that includes
2 demonstration of proper installation and use of a child passenger
3 restraint system.

4 (B) As the proceeds from fines become available, county or city
5 health departments shall prepare and maintain a listing of all child
6 passenger restraint low-cost purchase or loaner programs in their
7 counties, including a semiannual verification that all programs
8 listed are in existence. Each county or city shall forward the listing
9 to the Office of Traffic Safety in the Business, Transportation and
10 Housing Agency and the courts, birthing centers, community child
11 health and disability prevention programs, county clinics, prenatal
12 clinics, women, infants, and children programs, and county
13 hospitals in that county, who shall make the listing available to
14 the public. The Office of Traffic Safety shall maintain a listing of
15 all of the programs in the state.

16 (2) Twenty-five percent to the county or city for the
17 administration of the program.

18 (3) Fifteen percent to the city, to be deposited in its general fund
19 except that if the violation occurred in an unincorporated area, this
20 amount shall be allocated to the county for purposes of paragraph
21 (1).

22 SEC. 7. Section 27361 of the Vehicle Code is amended to read:

23 27361. A law enforcement officer reasonably suspecting a
24 violation of Section 27360 or 27360.5, ~~or both of those sections,~~
25 may stop a vehicle transporting a child appearing to the officer to
26 be within the age ~~or weight~~ specified in Section 27360 or 27360.5.
27 The officer may issue a notice to appear for a violation of Section
28 27360 or 27360.5.

29 SEC. 8. Section 27363 of the Vehicle Code is amended to read:

30 27363. (a) The court may exempt from the requirements of
31 this article ~~any~~ a class of child by age, weight, or size if it is
32 determined that the use of a child passenger restraint system would
33 be impractical by reason of physical unfitness, medical condition,
34 or size. The court may require satisfactory proof of the child's
35 physical unfitness, medical condition, or size and that an
36 appropriate special needs child passenger restraint system is not
37 available.

38 (b) In case of a life-threatening emergency, or when a child is
39 being transported in an authorized emergency vehicle, ~~if there is~~
40 ~~no~~ a child passenger restraint system *is not* available, a child may

1 be transported without the use of that system, but the child shall
2 be secured by a seatbelt.

3 (c) A child weighing more than 40 pounds may be transported
4 in the ~~backseat~~ *back seat* of a vehicle while wearing only a lap
5 safety belt when the ~~backseat~~ *back seat* of the vehicle is not
6 equipped with a combination lap and shoulder safety belt.

7 ~~(d) This section shall become operative on January 1, 2002.~~

8 (d) (1) *Notwithstanding Section 27360, a child or ward under*
9 *the age of eight years who is four feet nine inches in height or*
10 *taller may be properly restrained by a safety belt rather than a*
11 *child passenger restraint system.*

12 (2) *For purposes of Section 27360, a child shall be properly*
13 *secured in a rear-facing child passenger restraint system unless*
14 *that child is one year of age or more and also weighs 20 pounds*
15 *or more.*

16 (e) *For purposes of Section 27360, a child or ward under eight*
17 *years of age may ride properly secured in an appropriate child*
18 *passenger restraint system meeting applicable federal motor*
19 *vehicle safety standards in the front seat of a motor vehicle under*
20 *any of the following circumstances:*

21 (1) *There is no rear seat.*

22 (2) *The rear seats are side-facing jump seats.*

23 (3) *The rear seats are rear-facing seats.*

24 (4) *The child passenger restraint system cannot be installed*
25 *properly in the rear seat.*

26 (5) *All rear seats are already occupied by children seven years*
27 *of age or under.*

28 (6) *Medical reasons necessitate that the child or ward not ride*
29 *in the rear seat. The court may require satisfactory proof of the*
30 *child's medical condition.*

31 (f) *Notwithstanding subdivision (e), a child shall not be*
32 *transported in a rear-facing child passenger restraint system in*
33 *the front seat of a motor vehicle that is equipped with an active*
34 *frontal passenger airbag.*

35 SEC. 9. Section 27363.5 of the Vehicle Code is amended to
36 read:

37 27363.5. (a) ~~Every~~ *A public or private hospital, clinic, or*
38 *birthing center, shall, at the time of the discharge of a child provide*
39 *and discuss information on the current law requiring child*
40 *passenger restraint systems, safety belts, and transporting children*

1 *in rear seats* to the parents or *to* the person to whom the child is
2 released ~~when at least one of the following conditions is met: if~~
3 ~~the child is under eight years of age.~~

4 ~~(1) The child is less than six years of age.~~

5 ~~(2) The child weighs less than 60 pounds.~~

6 (b) A public or private hospital, clinic, or birthing center shall
7 not be responsible for the failure of the parent or person to whom
8 the child is released ~~to use a properly transport the child passenger~~
9 ~~restraint system.~~

10 ~~(c) This section shall become operative on January 1, 2002.~~

11 SEC. 10. Section 27365 of the Vehicle Code is amended to
12 read:

13 27365. (a) (1) ~~Every~~ A car rental agency in California shall
14 inform each of its customers of Section 27360 by posting, in a
15 place conspicuous to the public in each established place of
16 business of the agency, a notice not smaller than 15 by 20 inches
17 ~~which~~ *that* states the following: “CALIFORNIA LAW REQUIRES
18 ALL CHILDREN UNDER 6 8 YEARS OF AGE WHO WEIGH
19 LESS THAN 60 POUNDS TO BE TRANSPORTED IN THE
20 BACK REAR SEAT OF THE VEHICLE IN A CHILD
21 RESTRAINT SYSTEM. THIS AGENCY IS REQUIRED TO
22 PROVIDE FOR RENTAL A CHILD RESTRAINT SYSTEM IF
23 YOU DO NOT HAVE A CHILD RESTRAINT SYSTEM
24 YOURSELF.”

25 (2) The posted notice specified in paragraph (1) is not required
26 if the car rental agency’s place of business is located in a hotel that
27 has a business policy prohibiting the posting of signs or notices in
28 any area of the hotel. In that case, a car rental agency shall furnish
29 a written notice to each customer that contains the same
30 information as required for the posted notice.

31 (b) ~~Every~~ A car rental agency in California shall have available
32 for, and shall, upon request, provide for rental to, adults traveling
33 with children under ~~six~~ *eight* years of age, child passenger restraint
34 systems that are certified by the manufacturer to meet applicable
35 federal motor vehicle safety standards for use by children ~~weighing~~
36 ~~60 pounds or less~~, are in good and safe condition, with no missing
37 original parts, and are not older than five years.

38 (c) A violation of this section is an infraction punishable by a
39 fine of one hundred dollars (\$100).

1 SEC. 11. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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